

New Workplace Rights for Illinois Family Caregivers

Starting in 2025, the Illinois Human Rights Act makes it illegal for employers to discriminate against workers for their family caregiving responsibilities.

What protections does the new law provide?

Employers may not take negative actions against workers and job applicants based on the fact (or belief) that they take care of a family member. Examples of discrimination include:

- Cutting your hours or pay based on a false belief that you will not do your job well because of your need to take care of a family member
- Refusing to hire or promote you
- Bullying or harassing you
- Treating you worse than workers without family duties
- Saying no to things like working from home, time off, or flexible hours—if other workers get these

If any of this happens to you *and* you think it is because you are a caregiver, get help right away.

Where can I go for help?

ARE YOU A FAMILY CAREGIVER?
HAVE QUESTIONS ABOUT LEAVE & WORKPLACE RIGHTS?

Contact our free legal helpline!

 **(415) 703-8276**

 **hotline@worklifelaw.org**



www.WorkLifeLaw.org

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Who is protected by the new law?

Caregivers who are responsible for helping a family member meet their basic needs. This could be responsibilities like:

- Taking a family member to the doctor
- Bathing or dressing an aging family member
- Cooking or shopping for a family member with a disability
- Giving emotional support to a family member with cancer
- Taking care of your children (with or without a disability)

Covered family members include:

- Child or stepchild
- Spouse or domestic partner
- Sibling
- Parent, stepparent, parent-in-law
- Grandchild

Caregiver's Frequently Asked Questions

Do I have any rights if I provide care for someone who isn't a covered family member?

The Illinois Human Rights Act and the national Americans with Disabilities Act both make it illegal for employers to discriminate against an employee because they are caring for a person with a disability, even if the person is not a family member. The definition of who is disabled is broad and includes conditions such as cancer, asthma, arthritis, heart disease, diabetes, dementia and Alzheimer's, Crohn's disease, autoimmune diseases, vision impairment, mobility impairment, mental health conditions, and many other medical conditions. If your employer knows or believes you are taking care of someone with a disability and takes negative actions against you because of it, that would be illegal.

Can I get my work hours changed for caregiving?

The law doesn't require your employer to change your schedule or give you other workplace changes for caregiving, but you may still have options. The Illinois Human Rights Act requires employers to treat caregivers just as well as employees who do not have family responsibilities. This means caregivers should be given the same freedoms and opportunities as other employees. For example, if your boss lets other workers have schedule changes, your boss shouldn't refuse to give you the same thing just because you need it for caregiving. But if other workers are not allowed to change their schedules, your employer could deny your request too.

Can I get time off work for caregiving? Will the time off be paid?

Under the Illinois Paid Leave for All Workers Act, workers must be given at least 1 hour of paid leave for every 40 hours they work. You can earn up to 40 hours each 12-month period, paid at your normal rate. Workers can use this time off for any reason once they have worked for their employer at least 90 days—they don't have to explain why or show any paperwork. Different leave protections apply in Chicago and Cook County, and some union, education, construction, delivery, and transportation workers aren't covered: [learn more here](#).

In addition, there is a national law called the Family and Medical Leave Act (FMLA) that requires employers to provide eligible workers with unpaid leave for up to 12 weeks when needed for caregiving. During FMLA leave, your employer must hold your job and continue paying for your health insurance. Learn more about the FMLA [here](#).

Your employer may give you additional time off under their own policies. Illinois [requires](#) employers to let you use at least some of your employer-provided sick days to provide care to family members (see list above).

Will I get in trouble for taking time off?

It is illegal for your employer to punish you for taking time off work under the FMLA or the Illinois Paid Leave for All Workers Act. It would also be illegal for your employer to threaten you or try to stop you from taking that protected time off. If you feel you are being treated worse after you asked for leave or took leave, call WorkLife Law's free helpline help right away.